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March 28, 2024

VIA CM-ECF
US Bankruptcy Court
Attn: Honorable John K. Sherwood

Re: William Appleton (23-17074/JKS)

Dear Judge Sherwood:

I represent the Debtor. The confirmation hearing is scheduled for today. Mr. Knapp informed me that Your Honor will hear this matter at 2PM.

The Debtor's motion (Doc 20) objecting to the claim of SN Servicing Corp. has not been resolved despite the fact that counsel for SN Servicing and I have diligently tried to agree to terms. We had previously advised the court that the motion should be marked "COTBS." The *limited* issue in dispute is the Debtor's requirement that SN Servicing produce backup documentation to support its claim that the 4/6/05 refinancing loan proceeds were used to payoff the prior mortgage (held by Hudson City Savings Bank) on the Debtor's home. My client wants to see the actual check or wire transfer proof that the prior mortgage was paid by the current mortgagee. The prior mortgage was discharged approximately 16 years after the loan was paid by SN Servicing's predecessor.

As my client states in paragraph 4 of his certification (Doc 20-1) in support of his limited objection to the allowance of the mortgagee's POC, "I am requesting that the creditor provide proof of monies paid in dollars and cents and provide funds transfer records of money paid out to refinance the HCSB mortgage **so there is a starting point to pay off the monies the creditor claims are owed.**"

I sent a subpoena to counsel for SN Servicing two weeks ago requesting this documentation (including similar proofs of payment for taxes and insurance) but counsel for SN Servicing claims that none of that documentation can be produced. It is my hope that Your Honor can assist us in resolving this limited issue in dispute so that the Debtor can withdraw its objection.

Regarding the status of confirmation, my client's malpractice action (the primary source of proceeds to fund the plan payments) is scheduled for trial on May 15, 2024. The Plan provides for full payment to SN Servicing by 8/31/24. It is my understanding that my client is current with his post-petition payments to SN Servicing. Thank you.

/s/ **Barry S. Miller**
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